

ESTTA Tracking number: **ESTTA608989**

Filing date: **06/10/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Sanofi		
Entity	Corporation	Citizenship	France
Address	54, rue La Boétie Paris, 75008 FRANCE		
Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:2128135900		

Registration Subject to Cancellation

Registration No	4432789	Registration date	11/12/2013
Registrant	Tikkun LLC 525 B Street, Suite 2200 San Diego, CA 92101 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2013/09/27 First Use In Commerce: 2013/09/27 All goods and services in the class are cancelled, namely: Cough treatment preparations

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	HISTIACIL - Petition for Cancellation (F1465640x96B9E).pdf(154924 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sud/
Name	Susan Upton Douglass
Date	06/10/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No.: 4432789
Trademark: HISTIACIL
Registered: November 12, 2013

Petitioner's Ref: SYN 14/04070

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Sanofi,	:
	:
Petitioner,	:
	:
- against -	:
	:
Tikkun LLC,	:
	:
Registrant.	:
-----X	

BOX TTAB
FEE

PETITION FOR CANCELLATION

Sanofi ("Petitioner"), a corporation organized and existing under the laws of France, having a principal place of business at 54, rue La Boétie, 75008 Paris, France, believes that it will be damaged by the continued registration of U.S. Reg. No. 4432789, issued on November 12, 2013 to Tikkun LLC ("Registrant"), and hereby petitions to cancel the same pursuant to Section 14(1) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(1).

As grounds therefor, Petitioner alleges as follows:

1. Petitioner is the owner of pending application Serial No. 85/951,193 for the mark HISTIACIL for "Cough syrups; cough treatment preparations" in Class 5.
2. Registrant owns U.S. Registration No. 4432789 for the mark HISTIACIL, registered on November 12, 2013, for "Cough treatment preparations" in Class 5. This registration is based on alleged use in commerce, with a date of first use in commerce of September 27, 2013.

3. Registration No. 4432789 has been cited under Section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner's mark HISTIACIL.

4. On information and belief, the Registrant's mark HISTIACIL is not presently in use in commerce in the United States, and has never been in use in commerce in the United States. Thus, Registrant has abandoned its trademark.


5. Petitioner will be damaged by the continuing registration of the HISTIACIL mark by the Registrant because the registration is blocking registration of Petitioner's mark HISTIACIL in its application Serial No. 85/951,193.

WHEREFORE, Petitioner requests that Registration No. 4432789 be canceled

Dated: New York, New York
June 10, 2014

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Petitioner
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Petition for Cancellation was sent by first class mail to Tikkun LLC, 525 B Street, Suite 2200, San Diego, California 9210, on this 10th day of June, 2014.


Susan Upton Douglass

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Mark: HISTIACIL

HISTIACIL

US Serial Number: 85951193

Application Filing Date: Jun. 05, 2013

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 27, 2014

Mark Information

Mark Literal Elements: HISTIACIL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 13/4009581

Foreign Application Filing Date: Jun. 04, 2013

Foreign Application/Registration Country: FRANCE

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Cough syrups; cough treatment preparations

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(d)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: Yes

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sanofi

Owner Address: 54, rue La Boétie
75008 Paris
FRANCE

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass

Docket Number: SYN 1306262

Attorney Primary Email Address: sdouglass@frosszelnick.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Phone: 212-813-5900

Fax: 212-813-5901

Correspondent e-mail: sdouglass@frosszelnick.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative e-mail: sdouglass@frosszelnick.com

Domestic Representative e-mail Authorized: No

Prosecution History

Date	Description	Proceeding Number
Feb. 27, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 27, 2014	NON-FINAL ACTION E-MAILED	6325
Feb. 27, 2014	NON-FINAL ACTION WRITTEN	82107
Feb. 03, 2014	LIE CHECKED SUSP - TO ATTY FOR ACTION	70633
Feb. 03, 2014	ASSIGNED TO LIE	70633
Jul. 24, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 24, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jul. 24, 2013	SUSPENSION LETTER WRITTEN	82107
Jul. 24, 2013	ASSIGNED TO EXAMINER	82107
Jun. 14, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 08, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: STRUCK, ROBERT J

Law Office Assigned: LAW OFFICE 109

File Location

Current Location: TMEG LAW OFFICE 109 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Feb. 27, 2014